

Application Serial No. 10/621,831
Reply to Office Action of August 10, 2005

REMARKS

The application has been reviewed in light of the Final Office Action mailed on August 10, 2005. Claims 1-41 are currently pending in the application, with Claims 1, 17 and 27 being in independent form. By this amendment, Claims 1, 17, and 27 have been amended. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Rejection of Claims 1-41 under 35 U.S.C. § 102(e)

Claims 1-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gardiner et al. (US 2003/0062413 A1). It is respectfully submitted that the subject matter recited by Claims 1-41 is patentable over Gardiner et al. because Gardiner et al. does not disclose all the elements and limitations recited by Applicant's claims.

The Gardiner et al. disclosure is directed to an imaging module 10 having illumination light sources 16, 18 with a plurality of LED dies 16, 18 each having an emission wavelength band different from the remaining LED dies [0183]; a color image sensor for analyzing image signals generated by the color image sensor [0188]; and a control circuit 140 configured to decode an image [0184]. "Control circuit 140 can be configured so that if decoding of a bar code fails using a first set of LED die driver signals, control circuit 140 automatically presents a second set of LED die driver signals to LEDs 16 and 16MC, and a third set of LED die driver signals to LEDs 16 and 16MC if a decoding fails a second time and so on until decoding is successful." Paragraph 0184.

As suggested in Applicant's arguments filed on May 23, 2005 and by the Examiner's statements in the Final Office Action, Gardiner et al. does not disclose or suggest at

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least "an integrated image having at least two simultaneously acquired monochrome images," as recited by Applicant's independent Claims 1, 17 and 27.

Accordingly, Claims 1, 17 and 27 are believed to be patentably distinct over Gardiner et al. Dependent Claims 2-16, 18-26, and 28-41 depend from independent Claims 1, 17 and 27, and are therefore patentable for at least the reasons given above for independent Claims 1, 17 and 27. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of all pending claims is earnestly solicited.

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Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-41, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's undersigned attorney at the telephone number indicated below.

Respectfully Submitted,



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